

UNITED STATES DISTRICT COURT

ORIGINAL

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Haywood S. Gilliam, Jr., Judge

HENRY YEH, individually an)	Administrative Motions
on behalf of all others)	
similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	NO. C 23-01790 HSG
)	
TWITTER, INC.,)	Pages 1 - 5
)	
Defendant.)	Oakland, California
)	Thursday, May 18, 2023

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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Reported By: Raynee H. Mercado, CSR No. 8258

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Thursday, May 18, 2023

2:00 p.m.

P R O C E E D I N G S

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THE CLERK: Calling case 23-CV-1790HSG, Yeh versus
Twitter.

Counsel, please step forward and state your appearance for
the record.

MS. ENGEL: Good afternoon, Your Honor. I'm Susan
Engel from Latham & Watkins, and I represent named defendant
Twitter.

And I'm here with my colleague Elizabeth Deeley, also
from Latham representing Twitter.

Thank you, Your Honor.

THE COURT: Good afternoon.

(Off-the-record discussion.)

THE COURT: Can you state your appearance?

MS. MARTIN: Yes. Good afternoon, Your Honor. Jean
Martin with Morgan & Morgan on behalf of Mr. Yeh.

THE COURT: All right. Good afternoon to you both.

So, really, I have a simple "yes" or "no" question. Is
the dispute about the effort to send this back to Judge Kim
mooted or not by the fact that the plaintiffs have now
dismissed the related cases?

MS. MARTIN: We believe, Your Honor, that the issue

1 is mooted by at least Plaintiff Yeh's motion for remand.

2 **THE COURT:** Well, the -- but the motion for remand
3 hasn't been granted. The question that you're preliminary
4 [sic] raising is who it should be in front of, Judge Kim or
5 me. That's the -- that's the issue.

6 And so what I'm asking is not what the ultimate import of
7 the motion to remand would be; is that, is there still a fight
8 about whether the case should be here or in front of Judge
9 Kim?

10 **MS. MARTIN:** Plaintiff Yeh does not believe that this
11 court has subject matter jurisdiction over his case. And he
12 has not consented to the magistrate judge.

13 And further, Your Honor, we don't believe that this issue
14 is appropriate for an administrative motion.

15 **THE COURT:** I had a "yes" or "no."

16 **MS. MARTIN:** Okay.

17 **THE COURT:** There are additional steps that come from
18 that. I understand your position.

19 What's your position?

20 **MS. ENGEL:** No, Your Honor, it is not mooted.

21 **THE COURT:** Okay. Then here's how we'll proceed.

22 I agree that it's not an appropriate matter for an
23 administrative motion. If you want to make a motion arguing,
24 notwithstanding the dismissal of the earlier cases, that
25 somehow the plaintiff is bound at this point to be before

1 Judge Kim, then file it as a noticed motion. There will be a
2 response.

3 If you want to move to shorten time, you can. I don't
4 know how compelling I will find that. I'm a little baffled by
5 all of the machinations here anyway. Got a lot of things to
6 do.

7 But that's how you need to proceed if -- if that's how you
8 believe you should proceed.

9 **MS. ENGEL:** Okay. We're happy to proceed that way.

10 If I may, make one or two additional points about the
11 administrative motion filing?

12 **THE COURT:** No.

13 **MS. ENGEL:** Okay.

14 **THE COURT:** I think that if this is an argument that
15 you want to make and it's going to implicate, you know, the
16 fundamental right of the plaintiff to decline magistrate
17 jurisdiction and -- look, there's plenty of game-playing
18 that's gone on in the case, and I get it. That's transparent.

19 But I don't think that this is the sort of issue that is
20 appropriate for an administrative motion, and so I'm going to
21 deny the administrative motion.

22 I will deny the administrative motion without prejudice to
23 you raising this in a noticed motion if you wish.

24 **MS. ENGEL:** All right. Thank you, Your Honor.

25 I mean, our interest is in proceeding efficiently, and so

1 we'll confer with the plaintiffs and just -- on next steps.

2 **THE COURT:** That sounds good.

3 **MS. MARTIN:** Thank you, Your Honor.

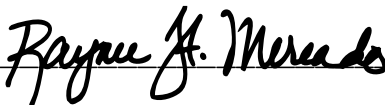
4 **THE COURT:** You're welcome.

5 (Proceedings were concluded at 2:06 P.M.)

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9 **CERTIFICATE OF REPORTER**

10
11 I certify that the foregoing is a correct transcript
12 from the record of proceedings in the above-entitled matter.
13 I further certify that I am neither counsel for, related to,
14 nor employed by any of the parties to the action in which this
15 hearing was taken, and further that I am not financially nor
16 otherwise interested in the outcome of the action.

17
18 

19 Raynee H. Mercado, CSR, RMR, CRR, FCRR, CCRR

20 Monday, May 22, 2023